

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**May 24, 2017**

The Highland Board of Zoning Appeals met on May 24, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzyski

**ROLL CALL:** Present Mr. Helms, Mr. Mileusnich, Mr. Martini, Mr. Grzyski and Mrs. Murovic. Also present Attorney Jared Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Steve Wagner.

**MINUTES:** The minutes of the April 26, 2017 were approved as posted.

**ANNOUNCEMENTS:** The next meeting of the Board of Zoning Appeals to be June 28, 2017 at 6:30 pm.

**COMMUNICATION:** None

**Old Business: Approval of Findings of Fact** for Jacqueline & Cosme Herrera, 8112 Wicker Park Dr., requesting a variance to exceed accessory structure allowance and location of shed on side yard property line. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Martini motioned to approve the Findings of Fact. Mr. Mileusnich seconded and unanimously passed with a roll call vote of 5-0.

**Approval of Findings for** Stephen Adams, 9149 Woodward Ave. Highland, IN requesting a variance to move fence beyond build line. Property is on a corner. {HMC 18.05.060}(G)(5)(a) Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in the required yards specified: (a) In All Yards. Ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 12 inches; open terraces or decks not over four feet above the average level of the adjoining ground but not including a permanent roofed-over terrace or porch and not including terraces or decks which project into the required front yard by more than six feet from the front of the principal structure; awnings and canopies; steps which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; arbors, trellises and flagpoles; fences, screens, hedges and walls; provided, that in residential districts no fence or wall shall be located in the required front yard and no landscaped screen or hedge shall exceed three feet six inches in height if located in the front yard, and no fence, landscaped screen, hedge or wall shall exceed six feet in height if located in a side or rear yard. On a corner or reverse corner lot, the side yard setback shall be the same as the front yard setback on adjoining lots; fences shall not be installed beyond this point. No fence, screen, hedge or wall shall interfere with line of sight requirements for local streets or intersections. No fence, screen, hedge or wall shall be constructed of material that may be described as rubble, cardboard, chicken wire, trees and brush, corrugated tin, utility poles, railroad ties, barbed wire, broken glass or electrified material. The design, location and construction of a fence or wall shall be approved by the building commissioner prior to the issuance of a building permit. Mr. Martini motioned to approve the Findings of Fact. Mr. Mileusnich seconded and unanimously passed with a roll call vote of 5-0.

**Continued Public Hearing for** Vyto's Pharmacy, 8845 Kennedy Ave., represented by Nathan Damasius, 6949 Kennedy Ave., Hammond, IN requesting a variance to exceed sign allowance {HMC 18.85.080 (G)(2)(a) Each occupancy shall be permitted a maximum of one sign.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Damasius introduced himself and distributed packets of information regarding his variance request. He is requesting to install a building mounted sign over the south main entrance of the building located at 8845 Kennedy. He states his hardship is any traffic going north on Kennedy Ave will not be able to identify what the business is. The view on the south side is partially impeded by the trees just to the south of the building. Regarding the entrance on the south side of the building, Mr. Damasius would like the flow of traffic to use south entrance and the sign would help to identify that entrance.

Mr. Mileusnich asked if there were two (2) entrances to the building and Mr. Damasius replied there are (2) two public entrances and one (1) in the back which will be the employee entrance. Mr. Damasius also states that the south entrance would be for the tenants use upstairs if they are able to lease the upper level. He states both entrances are actually on the south side of the building because the north entrance would be used for the drive through.

Mr. Mileusnich asked that if the south side is for the tenant's entrance, did Mr. Damasius think the tenants would request a building sign as well. Mr. Damasius replied no, that the tenants would put their sign on the monument sign.

Mr. Grzynski asked for clarification as to where the monument sign would be installed and Mr. Damasius replied it would be installed on the north side of the property recessed in a bit, five (5) feet from the property line and close to the drive through.

Mr. Helms suggested that the monument sign be installed at a 90 degree angle so the sign would be visible to traffic coming from both directions. Mr. Damasius replied the plot of the land would not allow it.

Mr. Martini inquired if there was a plat for the property to help clarify where the sign would go and Mr. Damasius replied he did not have one.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Grzynski asked if the foundation for the monument sign had been poured and Mr. Damasius replied it had.

Mrs. Murovic referenced the diagram of the proposed building mounted sign and asked if it depicted where the sign would go and if sign would be white with a red outline. Mr. Damasius replied the actual sign would probably be mostly white with a minimum red outline. Mrs. Murovic asked what the height of sign would be on the building and Mr. Damasius replied he did not know.

Mr. Martini motioned to deny the variance. Mr. Mileusnich seconded and the motion passed with a 3-2 vote. Mrs. Murovic and Mr. Helms voted to approve the variance request.

After the Public Hearing for Vyto's Pharmacy, Mr. Mileusnich left the meeting.

**Preliminary Hearing for** Brian Revere, 8937 Grace St., requesting a variance to exceed accessory structure allowance to build an additional garage. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Revere introduced himself. He is requesting a variance to build a new garage as he needs more garage space.

Mrs. Murovic asked Mr. Revere if he currently has a garage now and he replied yes. Mr. Revere also states he has a shed on his property which he will be removing and hopes to build the new garage where the shed currently is located.

Mrs. Revere also attended the meeting and introduced herself.

Mr. Martini requested Mr. Revere bring in a plat drawing and where he would like to locate the garage and also a Google Map of his property.

Mr. Mika asked Mr. Revere if he knows the size of his existing garage. Mr. Revere replied he did not know exactly, but it is a 2.5 car garage. Mrs. Revere mentioned how large their lot is and that they also own the lot next door. Mr. Revere mentioned that they have almost two (2) acres.

Mr. Mika thought it would be beneficial for the BZA members if they knew exactly how large his current garage is. Mr. Tauber said they needed to know exactly the sq. ft. Mr. Revere is requesting for the new proposed garage.

Mr. Martini inquired if the current garage is attached and Mr. Revere replied no, unattached.

Mr. Helms motioned to grant the Public Hearing request. Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

**Preliminary Hearing for** Jim Rauer, 9160 Kleinman Rd., Highland, IN requesting to build a garage which would exceed accessory structure allowance. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Rauer introduced himself. He states he has lived in Highland his whole life. Mr. Rauer distributed a Google Map view of his house and states he has four (4) acres of land. He states his existing garage is in need of some serious repairs and feels it is best to start from scratch and build a new garage. He says there is a large crack in the concrete floor which was caused from a large tree which heaved up the concrete. He states the reason he wants to build a larger garage is he has out grown his current garage. He states one of the reasons for a larger garage is to store all the equipment it takes to maintain his property. He also states that he would tear down the existing garage and build a new one in its place, but would like to have the garage door to be facing towards the house. He wants to position the garage in this way as when his current garage doors are open people on the street slow down and look inside. He states his property has been robbed twice.

Mrs. Murovic referenced the conversation with the previous petitioner and they would be requesting the same plat and Google map information from Mr. Rauer.

Mr. Helms asked if Mr. Rauer had a size in mind for the garage and Mr. Rauer responded perhaps 30' x 40'. Mr. Rauer reiterated he would be removing the current garage and he also has a shed that was previously removed.

Mrs. Murovic asked if the property was still considered to be a Flood Zone C. Mr. Rauer replied that was what the flood zone map had indicated, but that the flood zone map has changed a few times. Mr. Rauer believes he is in a flood zone map area called the floodway.

Mr. Mika asked if where Mr. Rauer was going to build his garage in the floodway. Mr. Rauer states that everything on his property is in the floodway.

Mr. Mika said the maps that Mr. Rauer was referencing are probably out dated. Mr. Mika said the last revision to the maps for Highland were in 2012. He states there are new categories with the exception of the floodway. Mr. Mika feels it would need to be determined where the structure would be built in the floodway and may require a permit from the Indiana Dept. of Natural Resources. Mr. Rauer cited statute IC 14281.26 in reference to building in a floodway and said the statute speaks only of the abode and not a secondary structure. Mr. Mika said that would have to be researched as that may be in conflict with flood plain management which is mirrored off of the Indiana Dept. of Natural Resources.

Mr. Rauer referenced a new garage that was built across the street from him and he believed that garage is in the same flood zone as Mr. Rauer. Mr. Mika disagreed with Mr. Rauer and stated that prior to the neighbor across the street building his new garage that there would have been research done regarding the flood zone and a structure would not have been approved to be built in the flood zone.

Mr. Helms motioned to grant the Preliminary Hearing. Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

**Preliminary Hearing for** View Outdoor Advertising, represented by Matt Felder, LLC 1000 E 80<sup>th</sup> Pl., 700N, Merrillville, IN 46319 and Attorney Jim Wieser, 429 W. Lincoln Highway, Schererville, IN 46375 requesting a Use Variance at the location of 8200 Indianapolis Blvd. to construct an 10' x 36' – 360 sq. ft. (2) two sided LED Outdoor Advertising Structure. {HMC 18.85.020 (E) Signs, advertising/billboard, or any signs advertising a business, product, service or event not available on the premises where the sign is located.

Mr. Wieser introduced himself and said Mr. Felder could not attend this meeting as Mr. Felder had a scheduling conflict. Mr. Wieser also said Mr. Felder had the packets of information with him and Mr. Wieser had only one drawing of where the sign is to be located. Mr. Wieser gave that drawing to Mrs. Murovic.

Mr. Wieser said the Town Council and View Outdoor Advertising have been in discussions for several months regarding the parcel of property that is formerly known as the Petrites property or is commonly known as Stanley's Bait Shop. Mr. Wieser states the property is approximately 5.5 to six (6) acres. He says the property has been for sale for years and his clients have contracted with the Petrites family. He says the reason they are talking to the Town is View Outdoor Advertising is hoping to locate an Outdoor Advertising structure on the northern most part of the property. The exact location would be north of the traffic signal on 81<sup>st</sup>. St. and Indianapolis

Blvd. He said there would be an easement granted for the purpose of installing the sign if they receive the appropriate approval. Mr. Weiser states subject to that approval, they would convey the balance of that property to the Town of Highland. He states that for some time the Town has wanted to make that potentially some sort of attractive gateway to the community. Mr. Weiser states that some of the property is actually abandoned railroad that has been up for tax sale for several years and has never been sold. He states there is a relatively new statute that authorizes the county executive upon application by the Municipality to convey that property. Mr. Weiser has spoken with Commissioner Mike Repay about that and they have no use for the property and would like to see the Town utilize it and use it in whatever capacity the Town wants to use it, perhaps an attractive entrance way to the community. He states this is Use Variance request and he is aware of the criteria need to satisfy the Board. He says this is going to be a two (2) sided LED sign which a portion of the advertising going to the Town for public announcements for the Town of Highland. He says the signs flip about every eight (8) to ten (10) seconds with different advertisers on them. Mr. Weiser is asking for a Public Hearing for consideration of this matter.

Mr. Tauber asked when Mr. Weiser felt the agreement would be made. Mr. Weiser replied he was meeting with Attorney Rhett Tauber next week. Mr. Jared Tauber asked if there would be an agreement by the next BZA meeting and Mr. Weiser stated he did not think so. He thinks they will have a tentative understanding but he doesn't know if the Town Council would have a sufficient amount of time to come to an agreement. He is not sure of the time table. Mr. Tauber stated that whatever recommendations made at the next BZA meeting can be contingent upon that agreement.

Mr. Grzynski motioned to grant the Public Hearing to View Outdoor Advertising. Mr. Helms seconded and it unanimously passed with a roll call vote of 4-0.

**Preliminary Hearing for Ken Hay, 9337 Farmer Dr.** request a variance for minimum lot size requirements for width and side yard setback from 7.5' to 5' for potential residential property to be built on vacant lot for the location of 9337Farmer Dr. {HMC18.15.060(C)(1)(a)} Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. HMC18.15.060(H)(1) } For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. Hay was not present at the Preliminary Hearing. Mr. Helms motioned to continue the Preliminary Hearing to the June 28<sup>th</sup>, 2017 meeting. Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

**BUSINESS FROM THE FLOOR:**

**ADJOURNMENT: Motion: Mr. Martini Second: Mr. Helms Time: 7:02**